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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 UNITED STATES OF AMERICA,) CR No. 3-07-70396-JL
15 Plaintiff,) [PROPOSED] ORDER AND STIPULATION
16 v.) EXCLUDING TIME FROM August 15, 2007
17 JEFFREY BENJAMIN HARRISON,) TO AUGUST 30, 2007
18 Defendant.)
19 _____

20 With the agreement of the parties, and with the consent of the defendant, the Court enters
21 this order extending the time for the preliminary hearing under Federal Rule of Criminal
22 Procedure 5.1, and extending the 30-day time period for indictment and excluding time under the
23 Speedy Trial Act (18 U.S.C. § 3161) from August 15, 2007 to August 30, 2007. The parties
24 agree, and the Court finds and holds, as follows:

- 25 1. The defendant is presently charged by criminal complaint for a violation of 18 U.S.C.
26 §2252(a)(4)(B) and (a)(1). Currently, the matter is scheduled for a preliminary examination or
27 arraignment on August 30, 2006.
- 28 2. The parties request and stipulate herein that: (a) with the defendant's consent, the twenty-

1 day time limit for a preliminary hearing or indictment under F.R.Crim.P. 5.1(a), (c), and (d) be
2 extended; and (b) time be excluded from calculation of the thirty-day time limit for information
3 or indictment under 18 U.S.C. § 3161(b).

4 3. The parties make this request because the United States has provided and will continue to
5 make discovery available to defense counsel and thus defense counsel needs time to review those
6 materials, meet with the defendant and determine how to proceed. Specifically, defense counsel
7 and the United States continue to discuss whether a pre-charge disposition is appropriate. Only
8 after evaluating the evidence will counsel be in a position to evaluate what disposition is an
9 appropriate one. He also believes it is his best interest to negotiate the case pre-indictment, and
10 he cannot do that without evaluating the evidence. Accordingly, the extension and exclusion are
11 required for effective preparation of defense counsel.

12 3. The Court finds that there is good cause for the extension under F.R.Crim.P. 5.1, and the
13 exclusion under 18 U.S.C. § 3161, and that the ends of justice served by granting this
14 continuance outweigh the best interests of the public and of the defendant in a speedy trial and
15 the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court further finds
16 that failure to grant the continuance would deny counsel for all parties reasonable time necessary
17 for effective preparation taking into account the exercise of due diligence under 18 U.S.C. §
18 3161(h)(8)(B)(iv).

19 4. Accordingly, and with the consent of the defendant, the Court (1) sets a date before the
20 duty magistrate judge on August 30, 2007, at 9:30 a.m., for setting a date for preliminary hearing
21 and (2) orders that the period from August 15, 2007, to August 30, 2007, be excluded from the
22 time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from
23 Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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1 IT IS SO STIPULATED.

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3 DATED: AUGUST 29, 2007

4 _____/S/
5 JOSHUA B. EATON
6 Assistant United States Attorney

7 DATED: August 29, 2007

8 _____/S/
9 EDWIN PRATHER
10 Attorney for JEFFREY HARRISON

11 IT IS SO ORDERED.

12 DATED:_____

13 _____THE HON. JOSEPH C. SPERO
14 United States Magistrate Judge